

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
BEAUFORT DIVISION**

**PAULINUS CHIDI NJOKU,**

Plaintiff,

v.

**Case No. 9:96-300-HFF**

FCI-Estill Corrections Officer J. M. Dobry;  
FCI-Estill Corrections Officer Rodney James;  
and FCI-Estill Corrections Michael Brooks,

Defendants.

**ORDER AND FINAL JUDGMENT**

PURSUANT TO THE SETTLEMENT AGREEMENT entered between the parties, the Court hereby enters this order of vacatur pursuant Fed. R. Civ. P. 60(b). Vacatur is authorized in order to permit settlement to proceed, particularly where the victor, as well as the losing party, is in agreement that vacatur would be desirable. *See Major League Baseball Properties, Inc. v. Pacific Trading Cards, Inc.*, 150 F.3d 149 (2d Cir. 1998). Therefore, it is

**ORDERED** that pursuant to the Settlement Agreement entered between the parties, that the Order and Judgment entered by the Court on January 24, 2005, is hereby **VACATED**; and it is hereby further

**ORDERED** that pursuant to the Settlement Agreement entered between the parties, that final judgment is hereby entered **DISMISSING** the above-captioned action, *with prejudice*.

**IT IS SO ORDERED.**

Signed this 17th day of October, 2005, in Spartanburg, South Carolina.

s/ Henry F. Floyd  
HENRY F. FLOYD  
UNITED STATES DISTRICT JUDGE